

Remarks

The Applicant notes with appreciation the indication of allowance of Claims 9, 10 and 14 if rewritten into independent form. Claims 9 and 14 have been cancelled. New Claims 15 and 16 have been added. Claim 10 has been amended to depend from new independent Claim 15. Allowance of Claims 10, 15 and 16 is respectfully requested.

The Applicant acknowledges the rejection of Claims 1 – 8 under 35 U.S.C. §102 over McDonald. The Applicant has amended Claim 1 so that it recites a multi-point figurine wherein all of the extremities of the figurine are shaped to form an entire character of the figurine and allow tripodal support of the figurine on a flat surface in different orientations. The Applicant respectfully submits that McDonald fails to disclose this. In sharp contrast, McDonald discloses a jack having four extremities that are of standard jack configuration. Only two extremities are in the shape of an animal and are, in any event, of a standard length and substantially the same shape as the standard jack extremities. McDonald in no way discloses that all of the extremities of the figurine are shaped to form an entire character. Illustrative ones of these figurines are shown in the Figures. It can be seen in the Figures that none of the extremities are even remotely shaped in a standard jack extremity fashion. The Applicant accordingly respectfully requests withdrawal of the rejection of Claims 1 – 8 based on §103.

The Applicant acknowledges the rejection of Claims 11 and 12 under 35 U.S.C. §103 over McDonald. The Applicant respectfully submits that McDonald is inapplicable to both claims. Assuming *arguendo* that it is well known in the art for game pieces to be made from metal, plastic or rubber, this does not change the fact that McDonald fails to disclose, teach or suggest the fact that the Applicant claims that all of the extremities are shaped to form an entire character of the figurine. McDonald simply does not contemplate this.

The Applicant acknowledges the rejection of Claim 13 over the hypothetical combination of May with McDonald. The Applicant respectfully submits that, even if one of ordinary skill in the art were to hypothetically combine May with McDonald, the resulting set of playing pieces would still fail to teach or suggest the invention as recited in Claim 13. Specifically, there would be no teachings or suggestions that the multi-point figurine has all of its extremities shaped to form an entire character of the figurine. Withdrawal of the rejection is respectfully requested.

In light of the foregoing, the Applicant respectfully submits that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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